

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Withdrawal of case against S/Sri G.Yekadantam. Commercial Tax Officer, Narsannapeta and B.Venkateswara Rao, Jr.Assistant, O/o Commercial Tax Officer, Narsannapeta for their alleged acts of misconduct in Cr.No.56/2008 u/s 120-B, 47, 420, 465, 468, 471, 177, 202, 109, r/w section 34 of the IPC and Section 4 of the Prevention of the Money Laundering Act, 2002 of Narasannapeta Police Station – Orders – Issued.

LAW (L.A. & J – HOME – COURTS-B) DEPARTMENT

G.O.Rt.No. 227

Dated:07-02-2009
Read the following:-

1. Enquiry Report of Deputy Superintendent of Police (Prob.), Circle Charge, Narasannapeta, Dt:20.11.2008 addressed to the Deputy Commissioner of Commercial Taxes, Vizianagaram.
2. Cr.M.P.No.877 of 2008 in Cr.No.56 of 2008 of Narasannapeta Police station, filed before Hon'ble District & Sessions Judge, Srikakulam, Dated:26.11.2008.
3. Representation of the Joint Action Committee of Commercial Taxes Department Officers & Employees, Dated:21.11.2008.

ORDER:-

It has been brought to the notice of the Government that Sri Boina Jagannadha Rao, Clerk M/s.Navayuga Traders, Srikakulam has requisitioned 900 A.P. VAT Way Bills on behalf of M/s Navayuga Traders for the period from 04.2.2006 to 07.05.2007 from the Commercial Taxes Department. On enquiry, it was revealed that transactions were made in iron scrap, copper pipes, SS Sheets, SF Oil, etc. instead of Coconut Coir for which VAT Registration has been obtained under the Act and thus caused loss to a tune of Rs.10,22,171/- to the Commercial Tax Department. A case was registered in Cr.No.55/2008, under section 120-B, 47, 420, 465, 468, 471, 177, 202, 109, read with section 34 of the Indian Penal Code, 1860 and Section 4 of the Prevention of the Money Laundering Act, 2002 of Narasannapeta Police Station on the complaint filed by Sri G.Yekadantam. Commercial Tax Officer, Narsannapeta, against Sri Boina Jagannadha Rao, Clerk, M/s. Navayugua Traders, Srikakulam for the huge loss caused to the Department.

2. In the reference 1st read above, during the course of investigation, the Deputy Superintendent of Police (Prob.) Narasannapeta also registered a case in Cr.No.56/2008 u/s 120-B, 47, 420, 465, 468, 471, 177, 202, 109, r/w section 34 of the IPC and Section 4 of the Prevention of the Money Laundering Act, 2002. against S/Sri G.Yekadantam. Commercial Tax Officer, Narsannapeta complainant in Cr.No.55/2008 of Narasannapeta Police Station and B.Venkateswara Rao, Jr.Assistant stating that they have colluded with the accused in the above mischief, Later, they were arrested and sent to Hon'ble JFCM, Narasannapeta with remand report.

3. In the reference 2nd read above, Sri Yekadantam, Commercial Tax Officer and Sri B.Venkateswara Rao, Jr.Assistant, have filed a CrI.M.P No.877/2008 before the Hon'ble District & Sessions Judge Court, Srikakulam in Cr.No.56/2008 of Narasannapeta P.S. The Hon'ble Court while allowing their petition has observed that "showing the petitioners as accused for violation of Official duties will not come under the offences levelled against them" and allowed the petition duly enlarging them on bail, with the condition mentioned therein.

4. In the reference 3rd read above, the Joint Action Committee of Commercial Taxes Department Officers and Employees made a representation to the Government, for withdrawal of prosecution against S/Sri G.Yekadantam. Commercial Tax Officer, Narsannapeta and B.Venkateswara Rao, Jr.Assistant, in Cr.No.56/2008 under section 120-B, 417, 420, 465, 468, 471, 177, 202, 109, read with section 34 of the Indian Penal Code, 1860 and Section 4 of the Prevention of the Money Laundering Act, 2002 of Narasannapeta Police Station.

5. Government have observed that that in terms of section 197 dealing with prosecution of judges and public servants when any person who is a public servant not removable from his office save by or with the sanction of the Government is accused of

an offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the State Government in the case of a person who is employed in connection with the affairs of the State. Further, it is also observed that no prior sanction was obtained by the concerned Police authorities from the Government, while filing a Criminal Case against the Commercial Tax Officer and the Jr. Assistant in the above case.

6. Further, it is observed that Under Section 70 of the A.P.Value Added Tax Act, 2005, no suit, prosecution or other proceedings shall lie against any officer or servant of the Government for any act done or purporting to be done under the Act without the previous sanction of the Government and no such suit, prosecution or other proceedings shall be instituted after expiry of six months from the date of the Act complained of and no officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceedings if the act was done in good faith in the course of execution of duties imposed on him or discharge of functions entrusted to him by or under the Act. It is noticed that in the instant case, the incident occurred on 04-02-2006, while the criminal case No.56/2008 was booked on 20.11.2008 at Narasannapeta Police Station, which goes against the spirit of Section 70 of the A.P. Value Added Tax Act,2005.

7. Government after examination of the issue in detail based on the material available have decided to close the case registered against the above two (2) Commercial Taxes Department employees, viz., Sri G.Yakadhantham, C.T.O. and Sri B.Venkateswara Rao, Jr. Assistant at Narasannapeta Police Station, in Cr.No.56/2008 under sections 120-B, 417, 420, 465, 468, 471, 177, 202, 109 readwith 34 of the Indian Penal Code, 1860 and section 4 of the Prevention of the Money Laundering Act, 2002.

8. The Director General of Police, A.P., Hyderabad is, therefore, directed to instruct the Superintendent of Police, Srikakulam to close the case registered, against S/Sri G.Yekadantam. Commercial Tax Officer, Narsannapeta and B.Venkateswara Rao, Jr.Assistant, Narsannapeta in Cr.No.56/2008 under section120-B, 417, 420, 465, 468, 471, 177, 202, 109, readwith section 34 of the IPC and Section 4 of the Prevention of the Money Laundering Act, 2002 of Narasannapeta Police Station under intimation to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.SURI APPA RAO,
SECRETARY TO GOVERNMENT
LEGISLATIVE AFFAIRS & JUSTICE (i/c.)

To
The Collector & District Magistrate, Srikakulam
The Director General of Police, A.P., Hyderabad.
The Superintendent of Police, Srikakulam
The Assistant Public Prosecutor concerned (thro' Collector concerned)
The Revenue (CT.I) Department.

Copy to

The Law (E) Department
The P.S. to Secretary (L.A. & J) Dept.,
Sf/Sc.

// forwarded :: by order //

Section Officer